



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

Distr.: General
25 January 2022
English
Original: Russian
English, French, Russian and
Spanish only

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Information received from Tajikistan on follow-up
to the concluding observations on its second
periodic report***

[Date received: 27 May 2021]

* The present document is being issued without formal editing.



Follow-up information relating to the concluding observations (CMW/C/TJK/CO/2)

1. At its 415th and 416th meetings (CMW/C/SR.415 and CMW/C/SR.416), held on 3 and 4 April 2019, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families considered the second periodic report of Tajikistan (CMW/C/TJK/2) and formulated recommendations on the basis of that review.
2. In order to implement the recommendations, the Government Commission on International Human Rights Obligations drafted and, on 17 December 2019, adopted a national action plan on the implementation of the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families for the period 2020–2024.
3. The information herein was prepared by the secretariat of the Government Commission on International Human Rights Obligations on the basis of inputs submitted by ministries and departments. The secretariat held frequent consultations with civil society during the preparation of the report. A draft of the document was circulated to representatives of civil society, and recommendations were received from relevant State bodies and civil society institutions. These recommendations were taken into account in the preparation of the final version of the document.
4. To regulate labour migration processes effectively, the Government of Tajikistan is taking specific measures in accordance with the Migration Act and the National Development Strategy for the period up to 2030. The Strategy states that action will be focused primarily on streamlining labour migration processes, optimizing the benefits of organized labour migration and improving social and legal support for labour migrants at home and abroad.

Follow-up information relating to paragraph 12 of the concluding observations

5. In order to implement the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, an interdepartmental working group consisting of representatives of ministries, competent departments and international and civil society organizations drafted a bill on migration. After receiving final approval from the ministries and competent departments, a new version of the bill was submitted to the Government for consideration in accordance with established procedure.
6. The bill was drafted to implement the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and is aimed at strengthening the legal and regulatory framework governing labour migration, ensuring the effective and targeted use of labour within and outside the country, strengthening the protection of State interests, upholding the rights and freedoms of labour migrants, preventing illegal labour migration, protecting the domestic labour market and reducing the impact of the social tensions to which labour migration gives rise.
7. The requirements of the international instruments recognized by Tajikistan in the area of migration, including the United Nations requirements from 1999 on protection of the rights of migrant workers and members of their families and the International Labour Organization Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), were taken into account in the preparation of the bill.

Follow-up information relating to paragraph 35 (a) of the concluding observations

8. Tajik legislation on administrative offences is based on the Constitution, the Code of Procedure on Administrative Offences, the Code of Administrative Offences, other Tajik laws and regulations, and the international instruments recognized by the country. If the

provisions of Tajik legislation on administrative offences conflict with recognized international instruments, the rules of international law apply.

9. In order to minimize and combat illegal migration in Tajikistan, the Act on Amnesty in Connection with the Regularization of the Legal Status of Foreign Nationals and Stateless Persons Staying Unlawfully in Tajikistan (hereinafter referred to as the Amnesty Act) was adopted on 18 December 2019. The Amnesty Act allows foreign nationals and stateless persons from countries of the former Soviet Union who entered Tajikistan before 31 December 2016 and have been staying in the country in violation of its laws and regulations to regularize their legal status and obtain a residence permit.

10. On 31 March 2020, the Government of Tajikistan adopted a decision on the rules under which foreign nationals and stateless persons may enter, stay in, leave and transit through Tajikistan. A set of instructions on the application of these rules has now been drawn up.

11. In 2020, 764 persons eligible under the Amnesty Act were identified and registered, including 337 foreign nationals, 386 stateless persons and 41 persons of undetermined nationality. Moreover, 41 persons were granted permanent residence in Tajikistan, and 40 persons were issued residence permits.

12. In 2020, bills were drafted to amend the Code of Administrative Offences and the Code of Procedure on Administrative Offences; they were adopted on 4 July of that year. In the Code of Administrative Offences, warnings were added to the penalties established for the administrative offences set out in articles 497 and 499; the size of the fines was reduced and, in the penalties established in the second paragraph of each of the two articles, which had previously provided for administrative expulsion, the words “or without this penalty” were added; and the words “with expulsion from Tajikistan” were deleted from the penalties established in paragraph 3 of article 499 (Violation by refugees and asylum seekers of the rules on residence in Tajikistan). In the Code of Procedure on Administrative Offences, the time limit for the submission by a foreign national of a complaint against a judge’s decision to impose administrative expulsion was increased from one to seven days.

13. In 2020, the courts considered cases involving 61 persons against whom proceedings had been brought under article 499 of the Code of Administrative Offences (Violation of the rules under which foreign nationals and stateless persons may stay in or transit through Tajikistan). Three of the cases were considered through mobile court hearings.

Follow-up information relating to paragraph 47 of the concluding observations

14. As the Russian Federation and Kazakhstan are the main host countries for Tajik migrant workers, considerable attention is paid to fostering cooperation between Tajikistan and these two countries in the area of labour migration. The Migration Service of the Ministry of Labour, Migration and Employment works regularly with the main countries receiving foreign labour in order to conclude bilateral agreements that ensure the welfare of migrant workers and their access to social benefits. In addition, the protection of citizens’ rights and the immigration system in foreign countries are regulated through bilateral and multilateral international agreements.

15. Tajikistan has a good treaty framework to regulate labour migration; it consists of multilateral and bilateral agreements and, in accordance with article 10 of the Constitution, is an integral part of Tajik law:

(a) Agreement on cooperation in the field of labour migration and social protection for migrant workers (15 April 1994)

(b) Decision of the Interparliamentary Assembly of the States members of the Commonwealth of Independent States (CIS) on labour migration in CIS countries (13 May 1995)

(c) Agreement on cooperation between CIS member States in combating illegal migration (6 March 1998)

(d) Framework policy on the gradual establishment of a common labour market and regulated labour migration in the CIS member States (15 December 2000)

(e) Framework policy on collaboration between CIS member States in combating illegal migration (16 September 2004)

(f) Declaration on a coordinated CIS migration policy (5 October 2007)

(g) Convention on the legal status of migrant workers and their families in the CIS member States (14 November 2008)

- Agreement between the Government of Tajikistan and the Government of Kyrgyzstan on employment and social protection for migrant workers (6 May 1998)
- Agreement between the Government of the Russian Federation and the Government of Tajikistan on employment of citizens of the Russian Federation in Tajikistan and Tajik citizens in the Russian Federation and protection of their rights (16 October 2004)
- Agreement between the Government of Kazakhstan and the Government of Tajikistan on employment of Kazakh citizens working temporarily in Tajikistan and Tajik citizens working temporarily in Kazakhstan and protection of their rights (5 May 2006)
- Agreement between the Government of Tajikistan and the Government of Belarus on the employment of Tajik citizens in Belarus and Belarusian citizens in Tajikistan (28 October 2011)
- Agreement between the Government of the Russian Federation and the Government of Tajikistan on the procedure for the stay of Tajik citizens in the Russian Federation (8 February 2013), which grants citizens of Tajikistan who enter the Russian Federation the right to stay in the country without migration registration for 15 days after entry
- Protocol amending the Agreement between the Government of Tajikistan and the Government of the Russian Federation on employment of citizens of the Russian Federation in Tajikistan and Tajik citizens in the Russian Federation and protection of their rights (16 October 2004), which allows citizens of both parties to obtain a three-year work permit without having to leave the host country

16. The following instruments have entered into force since 2018:

- Agreement between the Government of the Russian Federation and the Government of Tajikistan on the organized recruitment of Tajik citizens for temporary employment in the Russian Federation (17 April 2019)
- Agreement between the Government of Kazakhstan and the Government of Tajikistan on cooperation in the area of migration (14 March 2018)
- Agreement between the Government of Tajikistan and the Government of Kazakhstan on the readmission of persons (14 March 2018)
- Agreement between the Government of Kazakhstan and the Government of Tajikistan on the procedure for the stay of Kazakh citizens in Tajikistan and Tajik citizens in Kazakhstan (14 March 2018), which provides for an extension of the registration period for Tajik citizens in Kazakhstan to 30 days
- Memorandum of understanding between the Government of Tajikistan and the Government of the United Arab Emirates in the area of labour (10 October 2018)
- Agreement between the Government of Tajikistan and the Government of Qatar on the regulation of the labour force in Qatar

17. It should be noted that these agreements take into account all the necessary requirements and provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

18. The parties are currently exploring the possibility of regulating pension provision for migrant workers. A draft treaty between Tajikistan and the Russian Federation on cooperation in the area of pension provision is currently under consideration.
